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## Town of Lamoine Application for Variance or Appeal to the Board of Appeals

Name of Appellant Carol D. Shubert

Mailing Address 113 Spring Rd

City or Town Cherry Hill, NJ 08003-3025

Telephone (Home) (856) 429-1450 (Work) icehouse lane @ msn . com

Name(s) of Property Owner F. M. and Wendy Young

The undersigned requests that the Board of Appeals consider one of the following:

☒ 1. An Administrative Appeal. Relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

☐ an error was made in the denial of the permit

☐ the denial of the permit was based on a misinterpretation of the ordinance

☐ there has been a failure to approve or deny the permit within a reasonable period of time

☒ other Approval of Permit 15-37, which when approved allowed continuing and expanded Shoreland and BLU ordinances to be violated, changing the character of the locality and negatively impacting the value of neighboring lots/homes. (Expanded on attached sheet)

Please explain in more detail the fact surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

☐ 2. A Variance.

a. Nature of Variance: Describe generally the nature of the variance.

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings, or alterations, and any natural or topographic peculiarities of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the zoning ordinance would cause undue hardship. There are four criteria which must be met before the BOA can find that a hardship exists. Please explain how your situation meets each of these criteria listed below:

1. The land in question cannot yield a reasonable return unless the variance is granted.
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.
3. The granting of a variance will not alter the essential character of the locality.
4. The hardship is not the result of action taken by the appellant or a prior owner.

I certify that the information contained in this application and its supplement is true and correct.

Date: 15 October 15, 2015  
(Appellant's Signature)

Carol D. Shubert 16 Oct 2015  
W. M. Shubert

Note to Appellant: This form should be returned to the Chairman of the Board of Appeals. You will be notified of the date, time and location of the hearing on your appeal.

113 Spring Rd.  
Cherry Hill, NJ 08003  
October 15, 2015

Board of Appeals  
Lamoine Town Office  
606 Douglas Highway  
Lamoine, ME 04605

We have reviewed application 15-37, an addition to our neighbor's home, and have found it lacking in required details. As a result, we believe that lot remediation and fines are appropriate.

During that review we identified five potential discrepancies that we feel require further review and/or action. We will meet with you and discuss those, at your discretion. We also request that the normal appeal period be extended from the date that the actual lot number was published to the public. That would be October 7<sup>th</sup>, when a call was placed for clarification to the Town Manager.

The lot involved is Map 12 Lot 21, 71 Ice House Lane. It was erroneously listed on the permit list as Map 12 Lot 46. That has now been corrected. This lot is shown to have had three prior property improvements since the current owners purchased the property. They are permits 13-29, 13-15 and 12-08. Our concerns are complicated by omissions on application 13-29; specifically the side yard setback and related driveway and road constructions.

**1. NON-Conforming or conforming?**

On the permit, 15-37 the box listing conforming or non-conforming is checked to be conforming. On a permit in 2013 13-29, for the second garage, the lot was identified as non-conforming. This home "lot" does not conform to current Lamoine Shoreland zoning regulations with respect to shore set backs and shore frontage. All of the current primary residence is located less than 100 feet from the normal high tide line. In addition, the coastal bluff has had significant plant disturbance and erosion recently, and may/could now be considered unstable, which would complicate measurements further.

**2. 100 foot survey request .**

No formal survey or indications that a CEO has acknowledged a survey and the placement of 100 foot setback stakes, as required by code, has been accomplished either prior to or during the current ownership. In fact, in comparing the two latest permits (permit 2015 and permit 2013), two different setbacks have been drawn and labeled on the plan by the current home-owner. On the garage permit 13-29, the back or north wall of the home is described as 100 feet from the water. On the addition permit that same corner is labeled as being 120 feet from the mean high tide line. Which is correct? It is time to insist that a survey be performed.



Constructed without benefit of a survey, the 30x44 foot building should be at least 125 from the Normal High Water Line. There is no evidence that it is. In fact it is approximately five feet short of that mark.

### **3. Potentially Exceeds the 10% or 20% rule.**

The first 250 feet of Shoreland Zone, Map12-Lot 21 "house-lot" as described in the current deed is a 141ft wide property x 250 ft setback = 35,250 ft<sup>2</sup>. Max. of 20% = 7,050 ft<sup>2</sup> surface, 10% would be 3,525 ft<sup>2</sup>. Coverage within shoreland zone by State Statute is 20%, Lamoine BLU Sec. 15.B.5 set the limit at 10% and BLU O.(3) calls for 25% when including the septic area. Current 1320, 1339 and 60 ft<sup>2</sup> buildings and associated access ways exceed the 10% limit if added together.

We believe that the owner has exceeded the 20% rule in terms of impervious surfaces with the current driveways to and around the newest (largest) garage addition, and the driveway to the shed. In addition to not being permitted, to our knowledge, they violate BLU Sec F.2. and I. with respect storm water runoff and retention of same on site because the site has been built up above normal grade.

To date, there has been no valid attempt to replace any of the trees removed within the 250 foot zone.

Again, it would help if there were a site plan showing all the current driveways and access points with dimensions so that this could be formally determined. A rough calculation of the current driveway to the newest two bay garage shows a 90 foot driveway averaging 25 feet wide. There is also a driveway around this garage and over to the front/back door of the home, continuing around to the shed (which does not appear in any of the permit applications). There should also be inclusion of a deed recorded roadway easement that runs across the property.

### **4. Potential violation of side/back setback.**

Since the side lot lines are not drawn on the plans submitted in 2013, there is no information as to where structures are located in relation to the side lot line. Our estimated measurements include a 10 foot "driveway" along the east side of the garage, but less than 15 foot between the driveway and lot lines on east side. In addition, the "garden shed" has been moved and relocated less than 25 foot from the west lot line. A driveway has been constructed between the shed and the home that is not indicated on the submitted plans.

### **5. Potential for "bunkhouse" in current garage.**

The addition of three large picture windows on the first and one on the second floor are not described on the permit for 2013 13-29 structure and its pending connection to the primary residence, plus recent insulation and heating installation could create a bunkhouse, which is prohibited in the shoreland zone. The building was constructed such that it has a second floor capable of conversion and the southern end of the first floor is segregated from the motor vehicle section to the north such that it is not capable of being used for motor vehicles.

In summary, we feel that Permit 15-37 should have been denied. It is incomplete with respect to the information necessary to truly evaluate the impact of the proposed project on the compliance of the lot, as a whole, to both BLU and Shoreland standards. If it were complete, we believe that it would be denied for any or all of the previously stated reasons.

Sincerely,

Carol D. Shubert  
William M. Shubert, Jr.

MAD 12

LOT 21

71 ICE HOUSE LANE  
LANDING, ME.

